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4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

8 vs.)

9 LUIS SERGIO MORALES-VILLAPUDUA,)

10 Defendant.)
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2:09-cr-00321-RCJ-LRL

ORDER

12 Before the Court for consideration is the (#20) Report and Recommendation of Magistrate
13 Judge Lawrence R. Leavitt, filed January 19, 2010. No opposition has been filed.

14 The Court has conducted a review of the record in this case and determines that the
15 Report and Recommendation (#21) of the United States Magistrate Judge entered August 14,
16 2009, should be affirmed. As such,

17 IT IS HEREBY ORDERED that Magistrate Judge Leavitt's Report and
18 Recommendation (#20) be AFFIRMED and ADOPTED and that Defendant's (#18) Motion
19 to Dismiss Based on Prior Unlawful Deportation is **DENIED**.

20 DATED: February 24, 2010

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23 Robert C. Jones
24 United States District Judge
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